



NEWS

Federal Communications Commission
445 12th Street, S.W.
Washington, D. C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

FOR IMMEDIATE RELEASE
March 10, 2003

News Media contact:
Audrey Spivack 202-418-0512

FCC STRENGTHENS RULES CONCERNING TRUTHFUL WRITTEN STATEMENTS SUBMITTED TO THE COMMISSION

Washington, D.C. – Today, the FCC announced that it has revised its rules to strengthen the requirements for the submission of truthful statements to the Commission.

As amended, section 1.17 of the Commission's Rules prohibits written and oral statements of fact that are intentionally incorrect or misleading and written statements of fact that are made without a reasonable basis for believing that the statement is correct and not misleading. In requiring that submitters of written statements in fact-based adjudications and investigations have a reasonable basis to believe that what they say is correct and not misleading, the Commission is imposing on the submitters a duty of due diligence, including the duty to take appropriate affirmative steps to determine the truthfulness of what is being submitted.

The revised section 1.17 broadens the category of persons subject to its requirements to include: (1) any applicant for, or holder of, any Commission authorization; (2) any person performing without Commission authorization an activity that requires Commission authorization; (3) any recipient of a Commission citation or letter of inquiry, or any person subject to a Commission or staff investigation; (4) in a proceeding to amend the FM or Television Table of Allotments, any person filing an expression of interest, and (5) to the extent not already covered above, any cable operator or common carrier. Attorneys and engineers acting in their representational capacities are not covered by the amended rule. The amended rule applies to investigatory and adjudicatory matters. It does not apply to declaratory ruling or to rulemaking proceedings except for expressions of interest in proceedings to amend the FM or Television Table of Allotments, and tariff proceedings.

The new rule is a clearer, more comprehensive, and more focused articulation of the standards for truthful statements than the old rule. The Commission also said that the new rule will enhance the effectiveness of its enforcement efforts.

Action by the Commission March 4, 2003, by Report and Order (FCC 03-45). Chairman Powell, Commissioners Abernathy, Copps, Martin, and Adelstein.

Office of General Counsel contact: David Senzel at 202-418-1760

-FCC-